

EXHIBIT D

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: PROCESSED EGG PRODUCTS: MDL NO. 2002
ANTITRUST LITIGATION 08-MDL-02002

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PHILADELPHIA, PA
- - - - -
DECEMBER 10, 2019
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BEFORE: THE HONORABLE GENE E.K. PRATTER, J.

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TRANSCRIPT OF TRIAL PROCEEDINGS
DAY 24
- - - - -

KATHLEEN FELDMAN, CSR, CRR, RPR, CM
Official Court Reporter
Room 1234 - U.S. Courthouse
601 Market Street
Philadelphia, PA 19106
(215) 779-5578

1 competition in a relevant market, then you next must determine
2 whether the restraints also benefit competition in other ways.

3 In considering whether the challenged restraints
4 benefitted competition, you may consider various factors
5 including, but not limited to, whether the challenged
6 restraints were demanded by customers, whether they increased
7 production, increased consumer choice, decreased prices, or
8 improved product quality.

9 Evidence regarding the ethical treatment of laying
10 hens may be considered with respect to issues such as whether
11 it challenged restraint, increased output, improved product
12 quality, widened customer choice, or met customer demand.

13 However, the ethical treatment of laying hens as a
14 societal benefit, standing alone, is not, in and of itself, a
15 procompetitive benefit. If you find that the challenged
16 restraints do result in competitive benefits, then you must
17 also consider whether the restraints were reasonably necessary
18 to achieve the benefits. If the Plaintiffs prove that the
19 same benefits could have been readily achieved by other
20 reasonably available alternative means that create
21 substantially less harm to competition, then those claimed
22 benefits cannot be used to justify the restraints.

23 If you find that the challenged restraints were
24 reasonably necessary to achieve competitive benefits, then you
25 must balance those competitive benefits against the